

Remarks

This amendment responds to the official action of May 31, 2007, wherein claim 1 and the claims depending from claim 1 were rejected on grounds of new matter. In particular, the phrase in claim 1 defining the union nut 6 as "flush with an outer surface of the handgrip, over the longitudinal length of the union nut" was considered to lack adequate support in the disclosure as filed.

Applicant has removed the portion of the phrase reading "over the longitudinal length of the union nut," because although that phrase accurately describes Fig. 1 as filed, the phrase does not appear verbatim in the application text.

As pointed out by the examiner, the application does indeed disclose that the outer surface of the union nut is flush with the outer surface of the handgrip and that that union nut forms an extension of the handgrip (page 4, lines 16-17). Applicant has amended claim 1 to reflect this passage.

In the comments associated with the rejection, the examiner implies that the union nut cannot be flush because the union nut is somewhat tapered in the drawings as filed. Reconsideration is requested. There is no basis to assume that in order for surfaces to be flush or to continue one another that the surfaces must be right-cylindrical surfaces. The dictionary definition of "flush" with respect to surfaces refers to the continuation of a given surface by an adjacent surface that is "flush" with the given surface, namely the surface is continued in the same plane, across the line of abutment. This is consistent with applicant's usage in the application as filed and in the claims as amended. Furthermore, this aspect distinguishes the claimed invention from the prior art of record.

In Merriam-Webster's Collegiate Dictionary (11th Ed.), "flush" as an adjective is defined, inter alia, as (4a) having or forming a continuous plane or unbroken surface <~[flush] paneling>; (4b) directly abutting or immediately adjacent: as (1): set even with an edge of a type page or column: having no indentation (2): arranged edge to edge so as to fit snugly.

There is no inconsistency between the dictionary definition of "flush" for the surfaces of the grip and the union nut, versus the depiction in Fig. 1 wherein the union nut tapers slightly away from the grip. The term "flush" refers to the fact that the surfaces of the grip and the union nut are continuous where they abut such that the surface of the grip is continued (elongated) by the surface of the union nut.

Applicant has amended claim 1 to reflect the text in the specification. Applicant proposes to amend Fig. 1 to include a legend that points to the surfaces that are flush. No new matter is presented.

In further comments, the examiner asserts that the "outer surface" is not defined. However the term "outer surface" is used for its well known conventional meaning, i.e., the surface that is on the outside. There is no uncertainty as to which surfaces of the grip and the union nut are the outer surfaces. They are the surfaces on the outside of the grip and union nut, respectively. These surfaces are shown as flush. In keeping with the meaning of the terms, the union nut has the identical same outside diameter as the grip against which the union nut is immediately adjacently abutted, which causes the outer surface of the union nut to be flush with and to continue the outer surface of the grip.

Applicant requests entry of the proposed formal drawings. The proposed drawings reflect the slight taper of the union nut seen in the informal drawings as filed. A slight taper is advantageous for a hand shower that can be received in a fixed receptacle or removed from the receptacle when manipulated by hand. No new matter is presented.

The invention claimed as a whole is not disclosed in the prior art. In the most recent action on the merits, US 6,641,057 – Thomas and DE 19942853 – Schiller were cited under 35 USC 102 and 103. However Thomas' union nut 156 is not flush with an outer surface of the handgrip, such that the union nut extends the outer surface of the handgrip as claimed. The Thomas union nut is markedly larger and clearly discontinuously shaped relative to the lower stem portion 56 that is most analogous to applicant's grip (see Thomas at Fig. 1). A union nut with an enlarged

diameter may have its own benefits such as providing leverage to apply torque to the union nut threads, but such a union nut does not serve to extend the grip by presenting an outer surface that is flush with and continues the outer surface of the grip. These aspects are not found in the prior art. There is no basis of record articulating where such aspects may be found in one or more prior art references. There is no explanation of how or why these aspects would be obvious from a combination or modification of aspects found in the prior art. There is no basis of record to conclude that the invention claimed as a whole would have been known or obvious.

The Schiller reference was cited only for an oval spray head. However with respect to the structure of the grip and union nut, Schiller alone or together with Thomas does not meet the invention claimed as a whole.

The disclosure and claims have been amended to particularly and distinctly distinguish the invention from the prior art, fully within the scope of the disclosure as originally filed. The invention claimed as a whole is not found in the prior art. The differences between the invention and the prior art are such that the subject matter claimed, as a whole, is not shown to have been known or obvious.

Reconsideration and allowance are requested.

Respectfully submitted,

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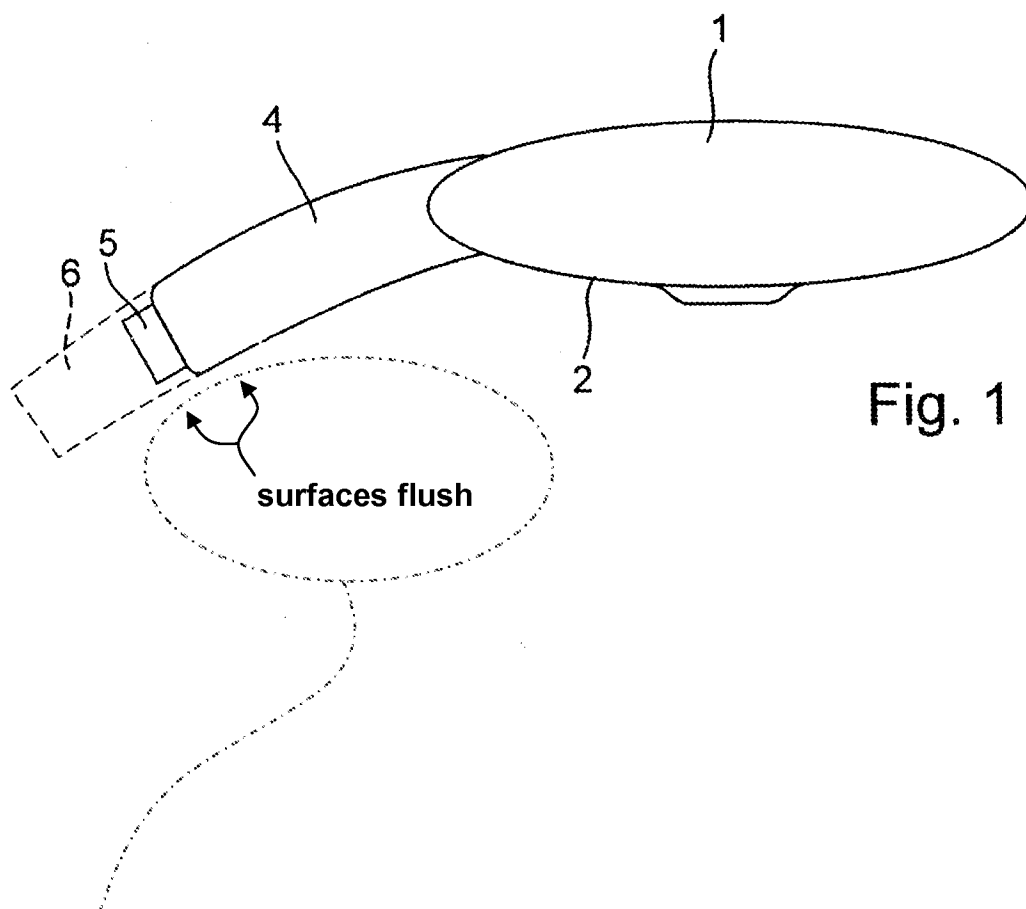


Fig. 1

Added legend and arrows
to Fig. 1